

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA
Winston-Salem Division

AMERICAN GENERAL LIFE
INSURANCE COMPANY

Plaintiff,

v.

Civil Action No.: 1:17-CV-00713

SHANNON CHEVOLA and ZACHARI
CHEVOLA;

Defendants, Cross-Claim
Plaintiffs, and Cross-Claim
Defendants.

AMENDED JOINT CASE MANAGEMENT REPORT

1. Pursuant to Fed.R.Civ.P. 26(f) and LR16.1(b), an initial meeting was held on January 12, 2018 at 10:00 a.m. and was attended by Benjamin L. Worley for Zachari Chevola, and Jeremy R. Demmitt for Shannon Chevola..

2. Discovery Plan. The parties propose to the Court the following discovery plan:

The “commencement date” of discovery will be upon entry of this Order.

Discovery will be needed on the following subjects:

1. Who is legally entitled to receive the interpleaded funds originating from the life insurance policy issued by American General Life Insurance Company for Robert Chevola;

2. Whether the Change of Beneficiary form sent to American General Life Insurance Company on or about November 28, 2016, effectively designated Shannon Chevola as the beneficiary of the life insurance policy of Robert Chevola;
3. Whether Shannon Chevola exerted any undue influence over Robert Chevola; and
4. Any other defenses or issues raised by the pleadings.

Discovery shall be placed on a case-management track established in LR 26.1. The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as: Complex.

The date for the completion of all discovery (general and expert) is: July 30, 2018.

Stipulated modifications to the case management track include:

1. The parties agree to limit the number of interrogatories and requests for admission from 25 to 15.
2. All initial disclosures required pursuant to Rule 26(a)(1)(A) will be provided by February 16, 2018.

Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) are due during the discovery period:

From both Zachari Chevola and Shannon Chevola by May 29, 2018.

Supplementations will be as provided in Rule 26(e) or as otherwise ordered by the court.

3. Mediation. Mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be Ray Owens.

4. Preliminary Deposition Schedule. Preliminarily, the parties agree to the following schedule for depositions: the parties will work together and cooperate in the scheduling of depositions.

The parties will update this schedule at reasonable intervals.

5. Other items.

Both Zachari Chevola and Shannon Chevola will have until May 29, 2018 to request leave to join additional parties or amend pleadings.

After these dates, the Court will consider, *inter alia*, whether the granting of leave would delay trial.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master: and the parties do not consent to the disposition of this matter by a Magistrate Judge.

Trial of the action is expected to take approximately 3-4 days. A jury trial has been demanded.

This the 22nd day of January, 2018.

/s/ Michael C. Bixby

Michael C. Bixby, Esquire
(Florida Bar Number: 111367)
Attorney for Shannon Chevola
Levin, Papantonio, Thomas, Mitchell,
Rafferty & Proctor P.A.
316 S. Baylen Street, Suite 600
Pensacola, FL 32502
Telephone: 850.435.7068
Facsimile: 850.436.6068
Email: Mbixby@levinlaw.com

/s/ Benjamin L. Worley

Benjamin L. Worley
(N.C. State Bar No. 29527)
Attorney for Zachari Chevola
Morris, Russell, Eagle & Worley, PLLC
2235 Gateway Access Point, Suite 201
Raleigh, NC 27607
Telephone: 919-645-4302
Facsimile: 919-510-6802
Email: bworley@morrisrussell.com

/s/ Jeremy R. Demmitt

Jeremy R. Demmitt
(NC State Bar No. 47691)
Attorney for Shannon Chevola
Robinson & Lawing, L.L.P.
101 N. Cherry Street, Suite 720
Winston-Salem, NC 27101
Telephone: 336-631-8500
Facsimile: 336-631-6999
Email: jdemmitt@robinsonlawing.com

CERTIFICATE OF SERVICE

I hereby certify that I have on this day electronically filed the foregoing Amended Joint Case Management Report with the Clerk of the Court using the CM/ECF system and service will be perfected upon all parties entitled to receive service of such filing.

/s/ Jeremy R. Demmitt

Jeremy R. Demmitt

(NC State Bar No. 47691)

Attorney for Shannon Chevola

Robinson & Lawing, L.L.P.

101 N. Cherry Street, Suite 720

Winston-Salem, NC 27101

Telephone: 336-631-8500

Facsimile: 336-631-6999

Email: jdemmitt@robinsonlawing.com